



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 22/2

DATE SCANNED 5-27-11

SCANNER NO. 2

SCAN OPERATOR Jms

11092653316



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 10, 2010

MEMORANDUM

TO: THE COMMISSION

THROUGH: ALEC PALMER
ACTING STAFF DIRECTOR

FROM: PATRICIA CARMONA *PC for PC*
CHIEF COMPLIANCE OFFICER

DEBBIE CHACONA *DC*
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION

BY: NATALIYA IOFFE/SARI PICKERALL/IAN WANDNER *me* *SR* *in*
COMPLIANCE BRANCH

SUBJECT: REASON TO BELIEVE RECOMMENDATION – 2010 OCTOBER
QUARTERLY REPORT (NON-ELECTION SENSITIVE) FOR THE
ADMINISTRATIVE FINE PROGRAM

Attached is a list of political committees and their treasurers who failed to file the 2010 October Quarterly Report in accordance with 2 U.S.C. 434(a). The October Quarterly Report was due on October 15, 2010.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report more than five (5) days after the due date, or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that the political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

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Reason to Believe Circulation Report

2010 OCTOBER QUARTERLY - Not Election Sensitive 10/15/2010 H_S_P_UNAUTH

| AF# | Committee ID | Committee Name | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|-----------------------------|-----------------------|---------------------|-----------|----|--------------|-----------|----------|-------------|
| 2212 | C00458745 | ANDRE WILLIAMS FOR CONGRESS | WILLIAMS, ANDRE LEWIS | DAVID EVERETT MARKO | \$375,326 | 0 | 10/28/2010 | 13 | \$51,704 | \$1,402 |
| 2213 | C00474049 | CARLINEO FOR CONGRESS | CARLINEO, GLORIA | GLORIA CARLINEO | \$181,423 | 0 | 12/7/2010 | Not Filed | \$44,000 | \$990 |

| | | | | | | | | | | |
|------|-----------|--------------------------|----------------------------|-------------|-----------|---|--|-----------|----------------|---------|
| 2215 | C00480434 | CHUCK FLUME FOR CONGRESS | FLUME, CHARLES WILLIAM SR. | BRUCE BLOCH | \$102,330 | 0 | | Not Filed | \$51,165 (est) | \$2,970 |
|------|-----------|--------------------------|----------------------------|-------------|-----------|---|--|-----------|----------------|---------|

| | | | | | | | | | | |
|------|-----------|-------------------------------------|---------------------|-----------------|-----------|---|------------|-----------|----------------|---------|
| 2225 | C00461970 | JAY FLEITMAN FOR CONGRESS COMMITTEE | FLEITMAN, JAY SCOTT | MARY LOU STUART | \$286,236 | 0 | 10/22/2010 | 7 | \$60,174 | \$907 |
| 2226 | C00473819 | JIM HOLT CAMPAIGN COMMITTEE | HOLT, JIM | MARC MILLSAP | \$295,537 | 0 | | Not Filed | \$73,884 (est) | \$2,970 |

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| AF# | Committee ID | Committee Name | PV | Candidate Name | Treasurer | Threshold | PV | Receipt Date | Days Late | LOA | RTB Penalty |
|------|--------------|-------------------------------------|----|--------------------------------|-------------------------|-------------|----|--------------|-----------|-----------------|-------------|
| 2232 | C00483149 | LUIS MEURICE FOR CONGRESS COMMITTEE | | MEURICE, LUIS | BERNARD A BECKER | \$184,913 | 0 | 10/28/2010 | 11 | \$57,453 | \$1,237 |
| 2234 | C00479907 | MARK FRENCH FOR CONGRESS | | FRENCH, MARK TODD | KATHLEEN CARRELL FRENCH | \$103,782 | 0 | | Not Filed | \$34,594 (est) | \$990 |
| 2235 | C00475095 | MATTHEW BURKE FOR CONGRESS | | BURKE, MATTHEW | BURKE, JENNIFER | \$100,517 | 0 | 11/2/2010 | 18 | \$3,344 | \$115 |
| 2237 | C00463406 | MORGAN FOR CONGRESS | | MORGAN, VINCENT SCOTT | HON RD SNYDEN | \$152,791 | 0 | 11/17/2010 | Not Filed | \$34,665 | \$250 |
| 2238 | C00480715 | MULLEN FOR CONGRESS | | MULLEN, WESLEY MARTIN | STUART WAYNE MCMAHEN | \$101,296 | 0 | | Not Filed | \$33,765 (est) | \$990 |
| 2242 | C00473595 | RICHARD LAKE FOR CONGRESS | | LAKE, RICHARD DAVID GEORGE | TERRANCE BRADLEY | \$101,188 | 0 | | Not Filed | \$33,729 (est) | \$990 |
| 2243 | C00468264 | SCOTT TAYLOR FOR CONGRESS | | TAYLOR, SCOTT W | ITHIEL HARLEY THOMAS IV | \$137,491 | 0 | | Not Filed | \$27,498 (est) | \$990 |
| 2246 | C00473512 | SHELDON GOLDSTEIN FOR CONGRESS | | GOLDSTEIN, SHELDON | JUSTIN MOORE | \$176,204 | 0 | | Not Filed | \$35,241 (est) | \$990 |
| 2248 | C00467712 | SINGH FOR CONGRESS | | SINGH, NAVRAJ | TIMOTHY J DAVIS | \$417,659 | 1 | | Not Filed | \$104,415 (est) | \$8,187 |
| 2249 | C00467761 | SUE LOWDEN FOR US SENATE | | LOWDEN, SUE | BOB BEERS | \$8,068,867 | 0 | 10/22/2010 | 7 | \$42,982 | \$340 |
| 2250 | C00476432 | TIM WOOLDRIDGE FOR CONGRESS | | WOOLDRIDGE, TMOOTHE (TIM) LYNN | CHARLES R PARTLOW | \$1,107,167 | 0 | 11/22/2010 | Not Filed | \$19,501 | \$550 |
| 2252 | C00477844 | WADE FOR DELAWARE | | WADE, KEVIN LYNN | HARRY SKILTON | \$135,364 | 0 | | Not Filed | \$67,682 (est) | \$2,970 |
| 2253 | C00471433 | WILL BOYD FOR US SENATE | | BOYD, WILLIE WILL EUGENE JR | WILLIE "WILL" BOYD JR | \$131,829 | 0 | 10/23/2010 | 8 | \$16,581 | \$150 |

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Reason To Believe Recommendation - 2010)
October Quarterly Report (Non-Election)
Sensitive) for the Administrative Fine)
Program:)
MATTHEW BURKE FOR CONGRESS,) AF# 2235
and BURKE, JENNIFER as treasurer;)
ANDRE WILLIAMS FOR CONGRESS,) AF# 2212
and DAVID EVERETT MARKO as)
treasurer;)
LUIS MEURICE FOR CONGRESS) AF# 2232
COMMITTEE, and BERNARD A)
BECKER as treasurer;)
WILL BOYD FOR US SENATE, and) AF# 2253
WILLIE "WILL" BOYD JR as treasurer;)

JAY FLEETMAN FOR CONGRESS) AF# 2225
COMMITTEE, and MARY LOU STUART)
as treasurer;)

SUE LOWDEN FOR U S SENATE, and) AF# 2249
BOB BEERS as treasurer;)
CARLINEO FOR CONGRESS, and) AF# 2213
CARLINEO, GLORIA as treasurer;)

CHUCK FLUME FOR CONGRESS, and) AF# 2215
BRUCE BLOCH as treasurer;)

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Federal Election Commission
Certification for Administrative Fines
December 15, 2010

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JIM HOLT CAMPAIGN COMMITTEE,) AF# 2226
and MARC MILLSAP as treasurer;)

MARK FRENCH FOR CONGRESS, and) AF# 2234
KATHLEEN CARRELL FRENCH as)
treasurer;)

MORGAN FOR CONGRESS, and) AF# 2237
SNYDEN, RD HON. as treasurer;)
MULLEN FOR CONGRESS, and) AF# 2238
STUART WAYNE MCMAHEN as)
treasurer;)

RICHARD LAKE FOR CONGRESS, and) AF# 2242
BRADLEY, TERRANCE as treasurer;)
SCOTT TAYLOR FOR CONGRESS, and) AF# 2243
ITHIEL HARLEY THOMAS IV as)
treasurer;)

SHELDON GOLDSTEIN FOR) AF# 2246
CONGRESS, and JUSTIN MOORE as)
treasurer;)

SINGH FOR CONGRESS, and TIMOTHY) AF# 2248
J DAVIS as treasurer;)
TIM WOOLDRIDGE FOR CONGRESS,) AF# 2250
and CHARLES R PARTLOW as treasurer;)

WADE FOR DELAWARE, and HARRY) AF# 2252
SKILTON as treasurer;)

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on December 15, 2010 the Commission took the following actions on the Reason To Believe Recommendation - 2010 October Quarterly Report (Non-Election Sensitive) for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated December 13, 2010, on the following committees:

AF#2235 Decided by a vote of 6-0 to: (1) find reason to believe that MATTHEW BURKE FOR CONGRESS, and BURKE, JENNIFER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2212 Decided by a vote of 6-0 to: (1) find reason to believe that ANDRE WILLIAMS FOR CONGRESS, and DAVID EVERETT MARKO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners

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Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2232 Decided by a vote of 6-0 to: (1) find reason to believe that LUIS MEURICE FOR CONGRESS COMMITTEE, and BERNARD A BECKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2253 Decided by a vote of 6-0 to: (1) find reason to believe that WILL BOYD FOR US SENATE, and WILLIE "WILL" BOYD JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2225 Decided by a vote of 6-0 to: (1) find reason to believe that JAY FLEITMAN FOR CONGRESS COMMITTEE, and MARY LOU STUART as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2249 Decided by a vote of 6-0 to: (1) find reason to believe that SUE LOWDEN FOR U S SENATE, and BOB BEERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2213 Decided by a vote of 6-0 to: (1) find reason to believe that CARLINEO FOR CONGRESS, and CARLINEO, GLORIA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount

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indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2215 Decided by a vote of 6-0 to: (1) find reason to believe that CHUCK FLUME FOR CONGRESS, and BRUCE BLOCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2226 Decided by a vote of 6-0 to: (1) find reason to believe that JIM HOLT CAMPAIGN COMMITTEE, and MARC MILLSAP as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2234 Decided by a vote of 6-0 to: (1) find reason to believe that MARK FRENCH FOR CONGRESS, and KATHLEEN CARRELL FRENCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2237 Decided by a vote of 6-0 to: (1) find reason to believe that MORGAN FOR CONGRESS, and SNYDEN, RD HON. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2238 Decided by a vote of 6-0 to: (1) find reason to believe that MULLEN FOR CONGRESS, and STUART WAYNE MCMAHEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

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AF#2242 Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD LAKE FOR CONGRESS, and BRADLEY, TERRANCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2243 Decided by a vote of 6-0 to: (1) find reason to believe that SCOTT TAYLOR FOR CONGRESS, and ITHIEL HARLEY THOMAS IV as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2246 Decided by a vote of 6-0 to: (1) find reason to believe that SHELDON GOLDSTEIN FOR CONGRESS, and JUSTIN MOORE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2248 Decided by a vote of 6-0 to: (1) find reason to believe that SINGH FOR CONGRESS, and TIMOTHY J DAVIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2250 Decided by a vote of 6-0 to: (1) find reason to believe that TIM WOOLDRIDGE FOR CONGRESS, and CHARLES R PARTLOW as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2252 Decided by a vote of 6-0 to: (1) find reason to believe that WADE FOR DELAWARE, and HARRY SKILTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

December 17, 2010
Date

Attest:

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

December 21, 2010

David Everett Marko, in official capacity as Treasurer
Andre Williams for Congress
1850 NW 170 Street
Miami Gardens, FL 33056

C00458745
AF#: 2212

Dear Mr. Marko:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file an October Quarterly Report of Receipts and Disbursements every calendar year. This report, covering the period through September 30th, shall be filed no later than October 15th. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was filed on October 28, 2010, 13 days late.

The Act was further amended in 1999 to permit the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On December 15, 2010, the FEC found that there is reason to believe ("RTB") that Andre Williams for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before October 15th.

Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$1,402. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-111.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$1,402 is due within forty (40) days of the finding, or by January 24, 2011, and is based on these factors:

Election Sensitivity of Report: Not Election Sensitive
Level of Activity: \$51,704
Number of Days Late: 13
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

- 1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty**

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If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street, NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or January 24, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Andre Williams for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection

Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

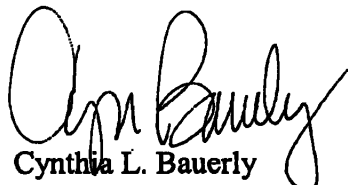
3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Vice Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$1,402 for the 2010 October Quarterly Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by January 24, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Andre Williams for Congress

FEC ID#: C00458745

AF#: 2212

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$1,402

FEC OFFICE OF
ADMIN REVIEW

The Law Office of André L. Williams, Esq.
A full-service real estate law firm

RECEIVED

2011 FEB -3 A 7 08

1120 102nd Street #5
Bay Harbor Islands, FL 33154
phone: 305-626-5955 fax: 305-625-6684
www.awilliamslaw.com

2011 JAN 31 AM 9:19

FEC MAIL CENTER

Office of Administrative Review
Washington, DC

Dear Sir/ Madam:

I am writing in reference to the administrative levied against me for failure to file my October Quarterly Report: AF#2212, C00458745. I ask that the fine be waived or reduced because of extenuating circumstances.

First, I have never run for Congress before and I made every effort to comply with the campaign quarterly reporting requirements during my campaign. This is the first instance of a civil money penalty assessed against me. We filed all of the appropriate election sensitive reports in a timely fashion. The October report, while important, was not election sensitive.

Second, I relied on my Campaign Finance Director to file all of my campaign quarterly reports. My understanding was that the October quarterly report had been timely filed. When I became aware on or around October 27th that the report had not been filed, I contacted by filing software consultant and filed a termination report myself the following day.

In sum, I hope you consider these factors in making your determination.

Regards,

André L. Williams
André L. Williams

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

February 3, 2011

David Everett Marko, in his official capacity as Treasurer
Andre Williams for Congress
1850 NW 170 Street
Miami Gardens, FL 33056

C00458745
AF#: 2212

Dear Mr. Marko:

On February 3, 2011, the Commission's Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in black ink, appearing to read "Dayna C. Brown".

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

11092653334

201 FEB -3 P 5:39

Date: February 3, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2212

Committee Name: Andre Williams for Congress

Committee ID#: C00458745

Committee Address (if different than in RTB letter): N/A

Treasurer Name (if different than in RTB finding): N/A

Attachments:

**Copy of RTB Circulation Report, dated December 10, 2010 and RTB
Certification, dated December 15, 2010 (Y/N): N**

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 October Quarterly Report Prior Notice, dated September 21, 2010.

-RTB Letter, dated December 21, 2010.

Attachment #: 3

Other RAD Information: (Y/N): N

Attachment#: N/A

11092653335



Proof of Delivery

Dear Customer,

This notice serves as proof of delivery for the shipment listed below.

Tracking Number: 1ZWF5860A295757471
Service: NEXT DAY AIR
Special Instructions: ADULT SIGNATURE REQUIRED
Weight: 1.00 Lb
Shipped/Billed On: 12/22/2010
Delivered On: 12/24/2010 11:31 A.M.
Delivered To: MIAMI GARDENS, FL, US
Signed By: WILLIAMS

Location: RESIDENTIAL

Thank you for giving us this opportunity to serve you.

Sincerely,

UPS

Tracking results provided by UPS: 12/28/2010 4:48 P.M. ET

11092653336

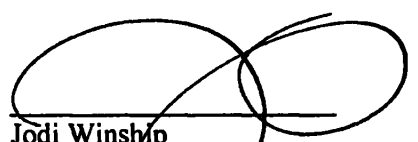
Attachment 1

DECLARATION OF JODI WINSHIP

1. I am the Acting Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Acting Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Andre Williams for Congress:
 - A) Prior Notice, dated September 21, 2010, referencing the 2010 October Quarterly Report (sent via electronic mail to: ANDRE@AWILLIAMSLAW.COM);
 - B) Reason-to-Believe Letter, dated December 21, 2010, referencing the 2010 October Quarterly Report.

I hereby certify that I have searched the Commission's public records and find that Andre Williams for Congress filed the 2010 October Quarterly/Termination Report with the Commission on October 28, 2010.

3. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 3rd day of February, 2011.



Jodi Winship
Acting Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



OCTOBER QUARTERLY REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES
PARTIES AND PACS

September 21, 2010

CURRENT REPORT DUE

| REPORT | CLOSE OF BOOKS | REG/CERT & OVERSIGHT MAILING DEADLINE | FILING DEADLINE |
|-------------------|----------------|---------------------------------------|-----------------|
| October Quarterly | 09/30/10 | 10/15/10 | 10/15/10 |

REPORTING SCHEDULE FOR REMAINDER OF 2010

| REPORT | CLOSE OF BOOKS | REG/CERT & OVERSIGHT MAILING DEADLINE | FILING DEADLINE |
|--------------------------|----------------|---------------------------------------|-----------------|
| Pre-General ¹ | 10/13/10 | 10/18/10 | 10/21/10 |
| Post-General | 11/22/10 | 12/02/10 | 12/02/10 |
| Year-End | 12/31/10 | 01/31/11 | 01/31/11 |

Supplemental Filing Information is available:

- Congressional Committees
- Parties and PACs

¹ A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

² **Parties and PACs:** required only if committee makes contributions or expenditures in connection with the general election during the reporting period.

Congressional Committees: campaign committees of a candidate who participates in the general election must file pre-and post-general election reports.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file Quarterly Reports in 2010. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

PRE- AND POST-ELECTION REPORTS

A committee whose candidate participates in a 2010 state primary, nominating convention or runoff election -- even if unopposed -- must also file a pre-election report 12 days prior to the primary, nominating convention or runoff. The campaign committee of a candidate who participates in the general election must file pre- and post-general election reports.

See 11 CFR 104.5(a)(2).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates
- The *Record*: January 2010 issue [PDF]
- *Candidate Guide*, pp. 79-80 [PDF]

48 HOUR NOTICES ON CONTRIBUTIONS

Notices are required if the committee receives any contribution (including in-kind gifts or advances of goods or services; loans from the candidate or other non-bank sources; and guarantees or endorsements of bank loans to the candidate or committee) of \$1,000 or more per source, during the period less than 20 days but more than 48 hours before any election in which the candidate is running.

The notices must reach the appropriate federal filing office within 48 hours of the committee's receipt of the contribution(s). Campaign committees that file electronically **MUST** submit their 48-hour notices electronically. See 11 CFR 104.5(f).

- Web Page: Electronic Filing Page
- Web Page: Link to Paper Forms (for downloading and printing)
- Form 6 Fax numbers
 - Senate campaigns (Secretary of the Senate): (202) 224-1851
 - House Campaigns (FEC): (202) 219-0174
- Campaign Guide: Candidate Guide, p. 80 [PDF]

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings [PDF]
- Candidate Guide, p. 7 [PDF]

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: Administrative Fine Program
- Candidate Guide, pp. 81-82 [PDF]

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file FEC Form 3L [PDF] if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Candidate Guide, p. 79 [PDF]

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100

2010 SUPPLEMENTAL FILING INFORMATION PACs AND PARTY COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

All Party Committees and PACs (Nonconnected Committees and Separate Segregated Funds) must file either quarterly or monthly reports in 2010. See 11 CFR 104.5(c). Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide: Nonconnected Committees (Nonconnected), pp. 51-53 [PDF]; Corporations and Labor Organizations (SSF), pp. 49-51 [PDF]; Political Party Committees (Party), pp. 69-71 [PDF].

Paper Filing -- Meeting the Filing Deadline

Paper report filing options – Registered, Certified or Overnight or First Class Mail.

See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Campaign Guide: Nonconnected, pp. 47-48 [PDF]; SSF, pp. 45-46 [PDF]; Party, p. 65 [PDF].

PRE-ELECTION REPORTING

Quarterly filing committees that make contributions or expenditures (including independent expenditures) in connection with an election must also file a Pre-Election Report, if the activity was not previously reported. See 11 CFR 104.5(c)(1)(ii).

- Web Page: 2010 Congressional Pre-Primary Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

2010 REPORTING SCHEDULE

- Web Page: 2010 Reporting Dates Page
- The Record: January 2010 issue [PDF]
- Campaign Guide: Nonconnected, pp. 49-51 [PDF]; SSF, pp. 46-48 [PDF]; Party, pp. 67-68 [PDF].

COMPLIANCE

Treasurer Responsibility

Committee treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- Statement of Policy Regarding Treasurers Subject to Enforcement Proceeding [PDF]
- Campaign Guide: Nonconnected, pp. 3-4 [PDF]; SSF, pp. 1-2 [PDF]; Party, pp. 6-7 [PDF].

Administrative Fine Program

Failure to file reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- or non-filers). See 11 CFR 111.30.

- Web Page: Administrative Fine Program Page
- Campaign Guide: Nonconnected, pp. 48-49 [PDF]; SSF, p. 46 [PDF]; Party, p. 66 [PDF].

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Party committees and Leadership PACs must simultaneously file FEC Form 3L if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the covered period (see page 1 of this notice). See 11 CFR 104.22 and 110.17(e).

- The Record: March 2009 issue [PDF]
- Campaign Guide: Party, pp. 143-149 [PDF]

CHANGE IN FILING FREQUENCY

Committees able to change their reporting schedule (for example, from monthly to quarterly) who wish to do so must notify the Commission in writing and may change their filing frequency no more than once per calendar year. See 11 CFR 104.5(c).

- Web Page: Filing Frequency by Type of Committee
- Campaign Guide: Nonconnected, p. 51 [PDF]; SSF, p. 49 [PDF]; Party, p. 67 [PDF].

48- AND 24-HOUR REPORTS OF INDEPENDENT EXPENDITURES

Any PAC or Party Committee that makes independent expenditures in 2010 may have to disclose this activity within 48- or 24-hours based upon the date and amount of the expenditure. See 11 CFR 104.4.

- Web Page: 48- and 24-hour periods for independent expenditures for 2010 elections
- Campaign Guide: Nonconnected, pp. 72-74 [PDF]; SSF, pp. 65-67 [PDF]; Party, pp. 87-89 [PDF].

These reports are not required when a PAC or Party Committee makes a contribution directly to a candidate.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

SECRET/NOFORN

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SENSITIVE

April 1, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer
Acting Staff Director *AP*

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2212 – André Williams for Congress and David Everett Marko, in his official capacity as Treasurer (C00458745)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 1, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

**AF# 2212 – André Williams for Congress and David Everett Marko, in his official capacity as
Treasurer (C00458745)**

Summary of Recommendation

**Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a
\$1,402 civil money penalty.**

Reason-to-Believe Background

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the October Quarterly Report and made a preliminary determination that the civil money penalty was \$1,402 based on the schedule of penalties at 11 C.F.R. § 111.43. They were notified by the Reports Analysis Division ("RAD") on December 21, 2010 of the Commission's RTB finding and civil money penalty.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee of a candidate shall file a report for the period ending September 30 no later than October 15. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 pm Eastern Standard/Daylight Time on October 15 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On January 31, 2010, the Commission received the written response ("challenge") from the Candidate, André Williams, requesting that the fine be waived or reduced. The challenge states that all election-sensitive reports were timely filed and that the October Quarterly Report, while important, was not election-sensitive. The Candidate states that he relied on the Campaign Finance Director to file the Committee's reports and once he became aware that the report was not filed, he personally filed the report the following day.

Analysis

The challenge contends that the Candidate immediately filed the report when he was made aware that the report had not been filed. On October 16, 2010, the day after the filing

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deadline, the Electronic Filing Office ("EFO") sent an email notification to "jtylerhogan@gmail.com," an email address provided by the respondents, stating that they failed to file the report. Commission records indicate that on October 18, 2010, just three days after the report was due, the Candidate left a voicemail for his RAD Analyst stating that he received the email notification and asked the Analyst to return his call. The Analyst attempted to call the Candidate back on October 18, but was unsuccessful because the number the Candidate left was incorrect. The Analyst also left a message with the Treasurer, and did not receive a call back. Ultimately, the Analyst spoke with the Candidate three times on October 21, 2010, informing him of their need to file the 2010 October Quarterly Report as soon as possible, and showing him where to find the Administrative Fine calculator on the Commission's website. After the Candidate requested and received an electronic filing password from the EFO, a Termination Report with October Quarterly coverage dates was filed on October 28, 13 days late and 10 days after the Candidate first contacted the Analyst regarding the non-filer email.

It is unclear if the Candidate's Campaign Finance Director, whom the Candidate states he relied upon to file the Committee's quarterly reports, is also the Committee's Treasurer. However, the regulations are clear that the Treasurer is personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d). David Everett Marko is the Treasurer listed on the Committee's most recent Statement of Organization filed March 23, 2009. There have been no subsequent changes to the Committee's information that the Commission has been made aware of.

With respect to the Candidate's request that the fine be waived or reduced, there are four criteria used to calculate the amount of the civil money penalty. 11 C.F.R. § 111.43. They are: the election sensitivity of a report, the level of activity on the late report, the number of days late, and the number of prior violations. While the Candidate is correct that the October Quarterly Report is not election-sensitive, this does not negate the necessity to file the report by the prescribed filing deadline or prevent them from being fined for failing to do so, as the regulations provide a schedule of penalties for both non-election sensitive and election sensitive reports. 11 C.F.R. § 111.43(a) and (b). The respondents have no prior violations. The original report was filed 13 days late, disclosing \$19,151 in receipts and \$32,553 in disbursements resulting in a level of activity of \$51,704. Therefore, using the schedule of penalties at 11 C.F.R. § 111.43(a) and the level of activity bracket of \$50,000 - \$74,999.99, the civil money penalty is $[\$330 + (82.50 \times 13)] \times [1 + (.25 \times 0)]$ or \$1,402, as was calculated at RTB.

The challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The other issues raised in the challenge (the Candidate's first time running for Congress; the timely filing of all election sensitive reports; and this being their first civil money penalty) also do not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,402.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2212 involving André Williams for Congress and David Everett Marko, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2212 that André Williams for Congress and David Everett Marko, in his official capacity as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,402; and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

Attachment 2 –

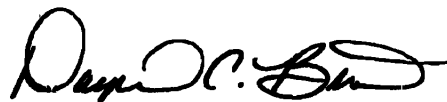
Attachment 3 – Declaration from RAD

Attachment 4 – Declaration from OAR

11092653347

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 October Quarterly Report covering the period through September 30th is due October 15, 2010. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on October 15 to be timely filed.
3. It is the practice of the Reports Analysis Division to document all calls to or from committees regarding a letter or mailgram they received or any questions relating to the administrative fine regulations including due dates of reports and filing requirements.
4. I hereby certify that I have searched the Commission's public records and that the documents identified herein are true and accurate copies of:
 - (a) Pages 1 and 3 of the Statement of Organization filed by André Williams for Congress and David Everett Marko, in his official capacity as Treasurer. According to the Commission's records, the document is dated March 13, 2009, was received on March 23, 2009, and lists David Everett Marko as Treasurer; and
 - (b) Page 1 of the Summary Page, and Pages 4 and 5 of the Detailed Summary Page for the 2010 Termination Report electronically filed by André Williams for Congress and David Marko, in his official capacity as Treasurer. According to the Commission's records, the report covers the period from August 5, 2010 through September 30, 2010, and was received on October 28, 2010. Line 16, Column A lists \$19,151 in total receipts for this period. Line 22, Column A lists \$32,553.29 in total disbursements for this period.
5. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 1st of April, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

11092653348

FEC
FORM 1

STATEMENT OF
ORGANIZATION

RECEIVED
FEC MAIL CENTER

2009 MAR 23 - Office Use Only

1. NAME OF
COMMITTEE (In full)

(Check if name
is changed)

Example: If typing, type
over the lines.

12FE4M5

ANDRE WILLIAMS FOR CONGRESS

ADDRESS (number and street)

11859 NW 17th St

(Check if address
is changed)

MIAMI GARDENS

FL

33056

CITY

STATE

ZIP CODE

COMMITTEE'S E-MAIL ADDRESS

andre.williams@law.com

COMMITTEE'S WEB PAGE ADDRESS (URL)

www.andrewilliams2010.com

COMMITTEE'S FAX NUMBER

-

2. DATE

03'08'2009

3. FEC IDENTIFICATION NUMBER

C00458795

4. IS THIS STATEMENT

NEW (N)

OR

✓ AMENDED (A)

I certify that I have examined this Statement and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

DANIEL EVERETT MARKO

Signature of Treasurer



Date

03'13'2009

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Statement to the penalties of 2 U.S.C. §437g.

ANY CHANGE IN INFORMATION SHOULD BE REPORTED WITHIN 10 DAYS.

| | | | | | |
|-----------------------|--|--|--|--|--|
| Office Use Only | | | | | |
|-----------------------|--|--|--|--|--|

For further information contact:
Federal Election Commission
Toll Free 800-434-9530
Local 802-694-1100

FEC FORM 1
(Revised 12/2007)

11092653349
29030054034

6. Name of Any Connected Organization, Affiliated Committee, Leadership PAC Sponsor or Joint Fundraising Representative

Relationship:

Joint Fundraising Representative

- Telephone number 305-285-1200

92045002002
05555976071

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF COMMITTEE (in full) **USE FEC MAILING LABEL OR TYPE OR PRINT** Example: If typing, type over the lines

Andre Williams for Congress

ADDRESS (number and street)

1850 NW 170 St



Check if different than previously reported. (ACC)

Miami Gardens

FL

33056

2. FEC IDENTIFICATION NUMBER

C00458745

CITY

STATE

ZIP CODE

STATE DISTRICT

3. IS THIS REPORT



NEW (N)

OR



AMENDED (A)

FL

17

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:



April 15 Quarterly Report (Q1)



July 15 Quarterly Report (Q2)



October 15 Quarterly Report (Q3)



January 31 Year-End Report (YE)



Termination Report (TER)

- (b) 12-Day PRE-Election Report for the:



Primary (12P)



General (12G)



Runoff (12R)



Convention (12C)



Special (12S)

Election on

In the State of

- (c) 30-Day POST-Election Report for the:



General (30G)



Runoff (30R)



Special (30S)

Election on

In the State of

5. Covering Period

08

05

2010

through

09

30

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

David Marko

Signature of Treasurer

Electronically Filed by David Marko

Date

10

27

2010

NOTE: Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 18 U.S.C. 497g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

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DETAILED SUMMARY PAGE of Receipts

FEC Form 3 (Revised 12/2003)

4 / 14

Write or Type Committee Name
Andre Williams for Congress

Report Covering the Period:

From:

MM DD YYYY
08 05 2010

To:

MM DD YYYY
09 30 2010

| I. RECEIPTS | COLUMN A Total This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------------|------------------------------------|
| 11. CONTRIBUTIONS (other than loans) FROM: | | |
| (a) Individuals/Persons Other Than Political Committees | | |
| (i) Itemized (use Schedule A)..... | 3500.00 | 140735.00 |
| (ii) Unitemized..... | 100.00 | 14000.00 |
| (iii) TOTAL of contributions from Individuals..... ➤ | 3600.00 | 154735.00 |
| (b) Political Party Committees..... | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACS)..... | 5000.00 | 5250.00 |
| (d) The Candidate..... | 0.00 | 0.00 |
| (e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c), and (d)) | 8600.00 | 159985.00 |
| 12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES..... | 0.00 | 0.00 |
| 13. LOANS | | |
| (a) Made or Guaranteed by the Candidate..... | 10551.00 | 21265.00 |
| (b) All Other Loans..... | 0.00 | 0.00 |
| (c) TOTAL LOANS (add Lines 13(a) and (b))..... | 10551.00 | 21265.00 |
| 14. OFFSETS TO OPERATING EXPENDITURES (Refunds, Reboles, etc.)..... | 0.00 | 0.00 |
| 15. OTHER RECEIPTS (Dividends, Interest, etc.)..... | 0.00 | 0.00 |
| 16. TOTAL RECEIPTS (add Lines 11(e), 12, 13(c), 14, and 15) (Carry Total to Line 24, page 4)..... ➤ | 19151.00 | 181250.00 |

DETAILED SUMMARY PAGE of Disbursements

FEC Form 3 (Revised 02/2003)

5 / 14

| II. DISBURSEMENTS | COLUMN A Total This Period | COLUMN B Election Cycle-to-Date |
|--|-------------------------------|------------------------------------|
| 17. OPERATING EXPENDITURES..... | 32553.29 | 181482.18 |
| 18. TRANSFERS TO OTHER AUTHORIZED COMMITTEES..... | 0.00 | 0.00 |
| 19. LOAN REPAYMENTS: | | |
| (a) Of Loans Made or Guaranteed by the Candidate..... | 0.00 | 1200.00 |
| (b) Of all Other Loans..... | 0.00 | 0.00 |
| (c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and (b))..... | 0.00 | 1200.00 |
| 20. REFUNDS OF CONTRIBUTIONS TO: | | |
| (a) Individuals/Persons Other Than Political Committees..... | 0.00 | 0.00 |
| (b) Political Party Committees..... | 0.00 | 0.00 |
| (c) Other Political Committees (such as PACs)..... | 0.00 | 0.00 |
| (d) TOTAL CONTRIBUTION REFUNDS (add Lines 20(a), (b), and (c))..... | 0.00 | 0.00 |
| 21. OTHER DISBURSEMENTS..... | 0.00 | 833.27 |
| 22. TOTAL DISBURSEMENTS (add Lines 17, 18, 19(c), 20(d), and 21) ► | 32553.29 | 183525.45 |

III. CASH SUMMARY

| | |
|---|----------|
| 23. CASH ON HAND AT BEGINNING OF REPORTING PERIOD..... | 11135.35 |
| 24. TOTAL RECEIPTS THIS PERIOD (from Line 16, page3)..... | 19151.00 |
| 25. SUBTOTAL (add Line 23 and Line 24)..... | 30286.35 |
| 26. TOTAL DISBURSEMENTS THIS PERIOD (from Line 22)..... | 32553.29 |
| 27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (subtract Line 26 from Line 25)..... | -2266.94 |

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA OVERNIGHT DELIVERY

April 4, 2011

David Everett Marko, in his official capacity as Treasurer
Andre Williams for Congress
1850 NW 170 Street
Miami Gardens, FL 33056

C00458745
AF# 2212

Dear Mr. Marko:

On December 15, 2010, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Andre Williams for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. The Commission also made a preliminary determination that the civil money penalty was \$1,402 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

cc: Andre Lewis Williams, Candidate
Attachment

11092653354



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

FEDERAL ELECTION
COMMISSION
SECRETARIAT

2011 APR 19 P 2:27

April 19, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2212 – André Williams for Congress and David Everett Marko, in his official capacity as Treasurer (C00458745)

On December 15, 2010, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report and also made a preliminary determination that the civil money penalty was \$1,402 based on the schedule of penalties at 11 C.F.R. § 111.43.

On January 31, 2011, the Commission received their written response ("challenge") from the Candidate. After reviewing the challenge, the Reviewing Officer's recommendation dated April 1, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that they violated 2 U.S.C. § 434(a) and assess a \$1,402 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). As of this date, a written response has not been received.

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OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2212 involving André Williams for Congress and David Everett Marko, in his official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2212 that André Williams for Congress and David Everett Marko, in his official capacity as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,402; and
- (3) Send the appropriate letter.

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BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation -) AF 2212
André Williams for Congress and David)
Everett Marko, in his official capacity as)
Treasurer (C00458745))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on April 29, 2011, the Commission decided by a vote of 6-0 to take the following actions in AF 2212:

1. Adopt the Reviewing Officer recommendation for AF# 2212 involving André Williams for Congress and David Everett Marko, in his official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2212 that André Williams for Congress and David Everett Marko, in his official capacity as Treasurer violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$1,402.
3. Send the appropriate letter.

Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 29, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

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FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

May 3, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

David Everett Marko, in his official capacity as Treasurer
Andre Williams for Congress
1850 NW 170 St
Miami Gardens, FL 33056

C00458745
AF# 2212

Dear Mr. Marko:

On December 15, 2010, the Federal Election Commission ("the Commission") found reason to believe ("RTB") that Andre Williams for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to timely file the 2010 October Quarterly Report. By letter dated December 21, 2010, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$1,402 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On January 31, 2011, the Office of Administrative Review received your written response challenging the RTB finding and penalty.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission make a final determination that Andre Williams for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty in the amount of \$1,402 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on April 4, 2011.

On April 25, 2011, the Commission received your \$1,402 payment.

On April 29, 2011, the Commission adopted the Reviewing Officer's recommendation and made a final determination that Andre Williams for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and assessed a civil money penalty of \$1,402. It is based on the same factors used to calculate the civil money penalty at RTB. A copy of the final determination memorandum is attached.

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). Your failure to raise

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an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

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FOR: Andre Williams for Congress

FEC ID#: C00458745

AF#: 2212

PAYMENT DUE DATE: January 24, 2011

PAYMENT AMOUNT DUE: \$1,402

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US Bancorp

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 002 \$ 0000140200 BA# 1 04-25-11 20 4



LIBERTY TAX SERVICE
05-25-2011

Date: 4/19/11

Federal Election Commission

One thousand four hundred and two 00/100 \$ 1402.00

WACHOVIA

For FEC ID# C00458745

Andre Williams

1215



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2212

DATE SCANNED 5-27-11

SCANNER NO. 2

SCAN OPERATOR Jub

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